

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

Revised 05/01 WDNV

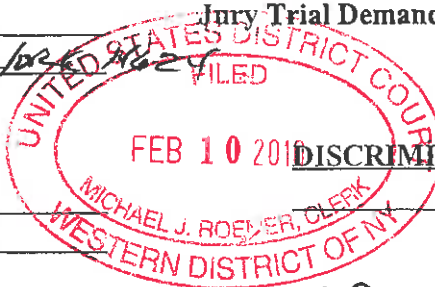
Abidhan MuhammadP.O. Box 24736Rochester New York 14624

Name(s) of Plaintiff or Plaintiffs

Jury Trial Demanded: Yes ☒ No ☐Wal-Mart Corp

-vs-

Name of Defendant or Defendants



DISCRIMINATION COMPLAINT

-CV-

10 CV 6074 CJS(Fe)

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

**JURISDICTION** is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

1. My address is: P.O. Box 24736 Rochester New York

My telephone number is: 585-820-7904

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: Wal-Mart, Corp  
 Number of employees: UNKNOWN  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. I was first employed by the defendant on (date): Feb-29-2008

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: Sep- August Sept of 2008

6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): July 12 2008

7. I believe that the defendant(s)

a. \_\_\_\_\_ Are still committing these acts against me.

b. \_\_\_\_\_ Are not still committing these acts against me.

(Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) Sept-30-2008

8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)

The date when I filed a complaint with the New York State Division of Human Rights is End of OCT 2008 or beginning of Nov- 2008  
 (estimate the date, if necessary)

I filed that complaint in (identify the city and state): Rochester New York

The Complaint Number was: 14 B-2009-00520

9. The New York State Human Rights Commission did \_\_\_\_\_ /did not \_\_\_\_\_ issue a decision. (NOTE: If it **did** issue a decision, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: FALL 2008
11. The Equal Employment Opportunity Commission did \_\_\_\_\_ /did not \_\_\_\_\_ issue a decision. (NOTE: If it **did** issue a decision, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: 11-17-09. (NOTE: If it **did** issue a Right to Sue letter, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
13. I am complaining in this action of the following types of actions by the defendants:
- a. X Failure to provide me with reasonable accommodations to the application process
  - b. \_\_\_\_\_ Failure to employ me
  - c. X Termination of my employment
  - d. \_\_\_\_\_ Failure to promote me
  - e. X Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
  - f. \_\_\_\_\_ Harassment on the basis of my sex
  - g. \_\_\_\_\_ Harassment on the basis of unequal terms and conditions of my employment
  - h. X Retaliation because I complained about discrimination or harassment directed toward me
  - i. \_\_\_\_\_ Retaliation because I complained about discrimination or harassment directed toward others
  - j. \_\_\_\_\_ Other actions (please describe) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- |   |   |
|---|---|
| a. <input type="checkbox"/> Race            | f. <input type="checkbox"/> Sexual Harassment   |
| b. <input type="checkbox"/> Color           | g. <input type="checkbox"/> Age _____ Date of birth _____   |
| c. <input type="checkbox"/> Sex             | h. <input checked="" type="checkbox"/> Disability   |
| d. <input type="checkbox"/> Religion        | Are you incorrectly perceived as being disabled by your employer? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| e. <input type="checkbox"/> National Origin |   |

15. I believe that I was ☒/was not ☐ intentionally discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are ☒ is not/are not ☐ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: \_\_\_\_\_ and why the defendant(s) stopped committing these acts against you: \_\_\_\_\_)

17. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim. (NOTE: You **must** attach a copy of the **original complaint** you filed with the Equal Employment Opportunity Commission and a copy of the **Equal Employment Opportunity Commission affidavit** to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (*check one*):

☐ **has not** issued a Right to sue letter  
☒ **has** issued a Right to sue letter, which I received on \_\_\_\_\_

19. State here as briefly as possible the *facts* of your case. Describe how each defendant is involved, including *dates* and *places*. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (*Use as much space as you need. Attach extra sheets if necessary.*)

*WAS FORCED TO WORK IN A POSITION OF WHICH CONTINUALLY CAUSED MY PREEXISTING INJURY TO BECOME MORE EXAGGERATED THAN USUAL*

**FOR LITIGANTS ALLEGING AGE DISCRIMINATION**

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct  
✓ 60 days or more have elapsed \_\_\_\_\_ less than 60 days have elapsed

**FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM**

21. I first disclosed my disability to my employer (or my employer first became aware of my disability) on ON DATE OF INJURY
22. The date on which I first asked my employer for reasonable accommodation of my disability is THE FIRST WEEK
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: NONE
24. The reasonable accommodation provided to me by my employer were \_\_\_\_/were not ✓ effective.

**WHEREFORE**, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 2-10-10

Abida Muhammad  
Plaintiff's Signature

Abidan F. Muhammad

Plaintiff,

v

Notice of intent to sue for Discrimination

Index# \_\_\_\_\_

Wal-Mart corp. et al.


Defendant.

PLEASE TAKE NOTICE that the claimant herein here makes claim and demand against the Wal-Mart corp. 1250 Chili Ave, Rochester New York, as follows:

1. The name and office address of the claimant is as follows: Claimant: Abidan F Muhammad Post office box 24736, 14624 and claimant is proceeding pro se.
2. The nature of the claim is for a violation of the American with Disabilities Act Title VII Discrimination and.
3. The claim arose on or about the 30<sup>th</sup> day of, September 2008 at the Wal-Mart store located at 1250 Chili , Rochester, New York 14624.
4. The claim is founded in negligence on the part of the Wal-Mart corp. for discrimination. Claimant states that the Wal-Mart corp. did in fact not provide the claimant with reasonable accommodations for an injury sustained in the plaintiff's employment capacity pursuant to Title VII of the Americans with Disability Act of whom acted in a Discriminatory manner against the Claimant by not adhering to the ADA. The policy was being applied arbitrarily, in refusing to follow the ADA. The plaintiff also alleges that the Wal-Mart corp. was discriminatory with respect to the New York's Executive Law and the City's Administrative Code.

PLEASE TAKE FURTHER NOTICE that, in default of THE Wal-Mart corp. to pay claimant the sum of \$ 200,000.00 within the time limited for compliance with this demand by the said Wal-Mart corp. claimant intends to commence an action against the same for recover of said sum of \$ 200,000.00 with interest and costs.

Dated: ....., N.Y.

Signed,   
Pro se Litigant



NEW YORK STATE  
**DIVISION OF HUMAN RIGHTS**

ONE MONROE SQUARE  
259 MONROE AVENUE, SUITE 308  
ROCHESTER, NEW YORK 14607

(585) 238-8250  
Fax: (585) 238-8259  
[www.dhr.state.ny.us](http://www.dhr.state.ny.us)

DAVID A. PATERSON  
GOVERNOR

GALEN D. KIRKLAND  
COMMISSIONER

October 28, 2008

Abidan F. Muhamad  
PO Box 24736  
Rochester, NY 14624

Re: Abidan F. Muhamad v. Wal-Mart Stores East, L.P.  
Case No. 10129109

Dear Abidan F. Muhamad:

Please be advised that this office has received your complaint. Your filing date is 10/27/2008.

A copy of your complaint, and the determination, will be sent to the U.S. Equal Employment Opportunity Commission (EEOC), so that your complaint may be dual-filed under applicable federal law.

To protect your rights, it is essential that the Division be notified promptly of any change in your address or telephone number. A form is enclosed for this purpose.

You will be contacted by the Human Rights Specialist assigned to your case when the active investigation of your complaint begins. In the meantime, if you have any questions please call our office at (585) 238-8250.

Very truly yours,

A handwritten signature in cursive script that reads "Julia B. Day".

Julia B. Day  
Regional Director

JBD/cwf

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of  
  
ABIDAN F. MUHAMAD,  
  
Complainant,  
  
v.  
  
WAL-MART STORES EAST, L.P.,  
  
Respondent.

NOTICE OF CONFERENCE  
AND  
PRODUCTION OF RECORDS

Case No.  
10129109

Federal Charge No. 16GA900520

TO: Abidan F. Muhamad  
PO Box 24736  
Rochester, NY 14624

YOU ARE HEREBY NOTIFIED to appear and attend before Julia B. Day, the Regional Director of the New York State Division of Human Rights, or the duly designated representative, Ugoezi Adjaero, Human Rights Specialist I, at the Division offices located at: 259 Monroe Avenue, Suite 308, Rochester, New York, on February 17, 2009, at 9:00am, for a conference in connection with the investigation in the above-captioned proceeding with respect to a charge that the Respondent violated §296 of the Human Rights Law. You may bring a lawyer if you desire, but it is not necessary for you to do so. However, the other side has also been so advised.



Please bring with you all other witnesses, books, records, papers, and documents pertaining to this matter.

**Note:** Government issued photo identification (such as a drivers license) may be necessary for entry into the building.

Please contact Ugoezi Adjaero, Human Rights Specialist I, at (585) 238-8248 within five business days of receipt of this notice, to confirm that you will be attending the conference.

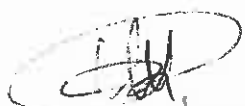
NOTE: No adjournments will be granted unless requested within five business days of receipt of this notice, with suggested alternate dates provided. Such requests must be made in writing to the Human Rights Specialist assigned. Only one such adjournment request per party will be granted. Requests for extensions of more than two weeks will not be granted.

Please address all requests, questions, and other communication to Ugoezi Adjaero, Human Rights Specialist I, at the above number.

Dated: February 5, 2009  
Rochester, New York

STATE DIVISION OF HUMAN RIGHTS

By: \_\_\_\_\_

  
Ugoezi Adjaero, HRS I  
Julia B. Day  
Regional Director  
Tel: (585) 238-8250  
Fax: (585) 238-8259

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004-2112

Abidan F. Muhamad  
PO Box 24736  
Rochester, NY 14624

EEOC Charge Number: 16GA900520  
NYSDHR Case Number: 10129109

NOTICE

This office has been informed that you filed a complaint of employment discrimination with the New York State Division of Human Rights (NYSDHR). The purpose of this notice is to inform you of your federal rights pursuant to one or more of the statutes under which you may have filed. Please be advised that your complaint will be investigated by the New York State Division of Human Rights, not the Federal Equal Employment Opportunity Commission (EEOC). All questions, correspondence and status reports with regard to your case must be directed to the New York State Division of Human Rights office where your complaint was filed.

**YOUR FEDERAL RIGHTS (if you filed under):**

[X] Title VII of the Civil Rights Act of 1964, as amended - If you want to file a private lawsuit in federal district court with your own private attorney because you do not want the New York State Division of Human Rights to conduct an investigation, you may request from the EEOC a Notice of Right to Sue, 180 days after you have filed your complaint. Once the EEOC grants your request, it is only valid for ninety (90) days from the date the Notice was issued, after which your time to sue expires. If you want the New York State Division of Human Rights to conduct an investigation, you do not need to make this request, or to contact or write either agency. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.

[X] The Americans with Disabilities Act of 1990 (ADA) - Same as Title VII, above.

[ ] The Age Discrimination in Employment Act of 1967, as amended (ADEA) - If you want to file a private lawsuit with your own private attorney, you could do so any time after 60 days from the date you filed your complaint with the New York State Division of Human Rights. This is only if you do not want the New York State Division of Human Rights to conduct an investigation, otherwise you do not need to do anything at this time. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.

Date: October 28, 2008

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004-2112

Abidan F. Muhamad  
PO Box 24736  
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Date: October 28, 2008

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Abidan F. Muhamad**  
**PO Box 24736**  
**Rochester, NY 14624**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2009-00520

**Holly M. Woodyard,**  
**Investigator**

(212) 336-3643

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**Spencer H. Lewis, Jr.,**  
**Director**

11/10/09

(Date Mailed)

Enclosures(s)

cc: **WAL-MART STORES EAST, L.P.**  
**702 SW 8<sup>th</sup> Street**  
**Bentonville, AR 72716**  
**Attn: Kristin L. Oliver**